

REMARKS

Claims 1-7, 9-23, 35-37, 39-41, 48-57, 59-67, 80-85, and 87-95 remain in the application and claims 1, 35, 48, and 80 have been amended hereby. Claims 8, 24-34, 38, 42-47, 58, 68-79, and 86 have been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 1-95 under 35 USC 102(e), as being anticipated by Kuroda et al.

A feature of the playback apparatus and method according to the present invention is to embed electronic watermark information in audio data read from an optical disk only when the data is output as recording data, that is, when the data is output as playback data the electronic watermark information is prevented from being embedded. See Figs. 1 and 4, and the paragraph bridging pages 16-17 of the present application, for example.

An advantage of this feature of the present invention is that a degradation of the playback quality due to the electronic watermark is prevented. See page 17, lines 5-7 of the present application, for example.

Independent claims 1, 35, 48, and 80 have been amended to recite this feature of the present invention.

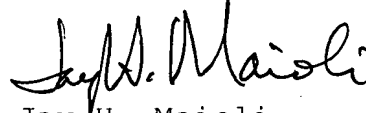
Looking at Kuroda et al. we see that it does not embed electronic watermark information in audio data read from an optical disk only when the data is output as recording data. Kuroda et al.

is merely reading a watermark that is pre-embedded in the optical disk and determines an action to take based on the read watermark. It is respectfully submitted that no decision to embed a watermark based on whether the data is output as recording data or playback data is made in the system taught by Kuroda et al.

Accordingly, it is respectfully submitted that amended independent claims 1, 35, 48, and 80, and the claims depending therefrom, are not anticipated by Kuroda et al.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first name "Jay" and last name "Maioli" clearly distinguishable.

Jay H. Maioli
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JHM/PCF:pmc